MC(N) 2758/2006

BEFORE

THE HON’BLE MR. JUSTICE B.P. KATAKEY

Perused the affidavit dated 25.10.2011 filed by the applicant/appellant relating to the substituted manner of service of notice on the respondent Nos.5 and 7, pursuant to the order dated 10.12.2010.

It appears from the said affidavit, wherein the copies of the notices dated 20.01.2011 published in an English daily, namely, The Assam Tribune and the vernacular, namely, Dainik Agradoot, both published from Guwahati have been annexed, that notices for service on the respondent Nos.5 and 7 were issued fixing 07.03.2011 for appearance.

The publication of such notice by substituted manner of service is accepted.

Since the respondent Nos.5 and 7 are not represented today despite service, the proceeding will proceed ex-parte against them.

Heard Ms. Sarma, learned counsel for the applicant as well as Mr. Debnath, learned counsel appearing for the respondent Nos.1 to 4. Other respondents have not been entered appearance despite service.

The applicant by the present application is seeking condonation of delay of 31 days in preferring appeal against the award passed by the learned Member, Motor Accident Claims Tribunal.

Having heard the learned counsel for the appearing parties and upon consideration of the averments made in the application for condoning the delay, I am of the view that the applicant is prevented by sufficient cause in not preferring the appeal in time.

Hence the delay occurred in filing the appeal is condoned.

Misc. case stands allowed.